



# The Commonwealth of Massachusetts

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## DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 04-48 (Phase II)

Petition of Fitchburg Gas and Electric Light Company for approval of tariffs to provide recovery for costs associated with its obligations to provide employees pension benefits and post-retirement benefits other than pensions.

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On October 29, 2004, Fitchburg Gas and Electric Light Company ("Fitchburg" or "Company") filed with the Department of Telecommunications and Energy ("Department") two items ("Compliance Filing"): (1) compliance tariffs to establish for its gas and electric divisions a pension and post-retirement benefits other than pensions ("PBOP") adjustment mechanism established in Fitchburg Gas and Electric Light Company, D.T.E. 04-48 (2004); and (2) the Company's first annual pension and PBOP adjustment for effect November 1, 2004 for its gas division and January 1, 2005 for its electric division ("2005 Pension/PBOP Adjustment"). On November 1, 2004, the Department approved the Company's filing subject to reconciliation. At the time of our approval, the Department stated the tariffs and the rate changes were allowed subject to review and reconciliation pursuant to the Department's ongoing investigation. We docket this review and investigation as D.T.E. 04-48 (Phase II).

According to the Companies, the tariffs implement the Department's directives in D.T.E. 04-48. The Companies also explain that their 2005 Pension/PBOP Adjustment is computed for each of the Companies in accordance with the formula included in the tariffs and the directives of the Department set forth in D.T.E. 04-48. The Companies collect the 2005 Pension/PBOP Adjustment in their distribution rates.

The Department will conduct a public hearing to receive comments on the Companies' Compliance Filing at the Department's offices, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110 on **Wednesday, December 8, 2005, at 10:00 a.m.** Any person wishing to submit comments may do so at this time or submit written comments not later than 5:00 p.m. that day. The Department plans to hold an evidentiary hearing immediately following the conclusion of the public hearing.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or to participate with the Department not later than **Friday, December 3, 2004**. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03, including a description of the manner in which the petitioner is substantially and specifically affected by this proceeding. Receipt by the Department -- not mailing -- constitutes filing and determines whether a petition has been

timely filed. A late filed petition may be disallowed as untimely, unless good cause is shown under 220 C.M.R. § 1.01 (4). To be allowed, a petition under 220 C.M.R. § 1.03 (1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Any persons wishing to submit written comments and petitions to intervene should file as follows: an original with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy - One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110; two (2) copies with the assigned Hearing Officer (Caroline M. Bulger); and four (4) the Director of Rates and Revenue Requirements Division (Kevin Brannelly). One copy of all written comments or petitions to intervene should also be sent to Companies' attorney, Scott J. Mueller, Esq., LeBoeuf, Lamb, Greene & MacRae, LLP, 260 Franklin Street, Boston, MA 02110, Massachusetts at 617-439-9500.

All written pleadings or comments also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [caroline.bulger@state.ma.us](mailto:caroline.bulger@state.ma.us); or (2) on a 3.5" floppy diskette, IBM-compatible format. The text of the e-mail or the diskette label must specify: (1) an easily identifiable case caption; (2) docket number; (3) name of the person or company submitting the filing; and (4) a brief descriptive title or document (e.g., comments or petition to intervene). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix) or in Microsoft Word, (naming the document with a ".doc" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website: <http://www.mass.gov/dte/>.

A copy of the Companies' filing is on file at the Department's offices, One South Station, Boston, Massachusetts 02110 for public view during business hours. Copies of the filing are also on file for public view at LeBoeuf, Lamb, Greene & MacRae, LLP, 260 Franklin Street, Boston, MA 02110. Any person desiring further information regarding the Compliance Filing should contact Scott J. Mueller, Esq., at 617-439-9500.

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ORDER OF NOTICE

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Fitchburg Gas and Electric Light Company ("Company") is required to publish the attached legal notice in either the Boston Globe or the Boston Herald, and in the Fitchburg-Leominster Sentinel and Enterprise, once at least fourteen (14) days prior to December 8, 2004.

The Company is required to give notice of this proceeding to the Chairman of the Board of Selectmen, the Town Clerks, Mayors, and the City Clerks of the attached list, as well as the parties to Fitchburg Gas and Electric Light Company, D.T.E. 04-48 (2004). The Company is required also make return of service and publication before or on December 8, 2004.

By Order of the Department

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Mary L. Cottrell, Secretary